

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 11801 of 2005

Between:

Veluru Prasanna @ Lakshmi Prasanna,

W/o.Jagan Mohan Reddy, Aged 37 years,

R/o.Dr.No.1/1979, Ankalmmapet,

Parnapalle Road, Pulivendula, Pulivendula Mandal,

Cuddapah District.

PETITIONER

AND

1 Special officer & Commissioner,

Pulivendula Municipality,

Pulivendula, Cuddapah District.

2 Deputy Executive Engineer R&B,

Pulivendula, Cuddapah District.

3 Mandal Revenue Officer,

Pulivendula Mandal, Pulivendula,

Cuddapah District.

RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, direction or order more particularly one in the nature of writ of Mandamus declaring the action of the respondents in seeking to demolish a

portion of the residential-cum-shopping complex of the petitioner bearing Dr.No.1/1979; assessment No.33/96; in S.No.211/20 situated at Pulivendula of Cuddapah District as illegal, arbitrary and unjust and in violation of the provisions of Land Acquisition Act and Arts 14, 21 & 300-A of Constitution of India and consequently direct the respondents not to resort to any action to demolishing of any portion of the above said premises of the petitioner without following rule of Law.

Counsel for the Petitioner:MR.M.VENKATA NARAYANA

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the respondents 2 & 3: GP for Revenue & Panchayath Raj for

Roads and Buildings

The Court at the admission stage made the following :

ORDER:

The case of the petitioner is that he is the absolute owner of the premises bearing Dr.No.1/1979; assessment No.33/96; in S.No.211/20 situated at Pulivendula of Cuddapah District, having purchased in the year 1999 and after obtaining permission of the Gram Panchayath, re-modeled the premises. It is further stated that the Gram Panchayath, Pulivendula was upgraded and was notified as Grade III Municipality. While so, inspite of earlier orders passed in WP No. 2894 of 1976 filed by one V. Papi Reddy, seeking to restrain the respondents from demolishing the compound wall of Door No. 1/415, which according to the petitioner is changed to 1/1979, the respondents are bent upon to demolish and in furtherance of the same, the subordinates of the respondents visited the house on 30.5.2005 and marked the portions intended to be demolished.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities

straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioners, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipé Dharma Rao, J.

June 6, 2005

MAS.

To

1. Special officer & Commissioner,

Pulivendula Municipality,

Pulivendula, Cuddapah District.

2. Deputy Executive Engineer R&B,

Pulivendula, Cuddapah District.

3. Mandal Revenue Officer,

Pulivendula Mandal, Pulivendula,

Cuddapah District.

4. 2 Copies each to the Govt. Pleader for Roads & Buildings,
and Revenue, A.P. High Court Building, Hyderabad.(OUT)s

5. 1 CC to MR.NEWTON

6. 2 CD copies

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